



PATENT
Attorney Docket No. 056291-5259

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: McKerrecher <i>et al.</i>)	Confirmation No.: 6547
)	
Application No.: 10/534,650)	Group Art Unit: 1625
)	
Filed: May 12, 2005)	Examiner: Patricia L. Morris
)	
For: Benzofuran Derivatives, Process For Their Preparation and Intermediates Thereof)	
)	Date: October 6, 2006

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

This paper responds to the Restriction Requirement, dated August 8, 2006, time for response to which expired September 8, 2006. An extension of time of one month is filed concurrently, thereby extending the period of response to October 8, 2006.

Amendments to the Claims begin on page 2 of this paper.

Remarks and the Response to the Restriction Requirement begin on page 8 of this paper.



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TRANSMITTAL FORM

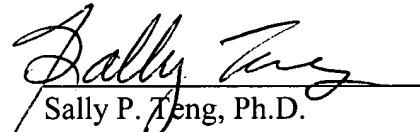
- Transmitted herewith is an Amendment and Response to Restriction Requirement in response to the non-final Office Action dated August 8, 2006.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a one-month extension of time from September 8, 2006 to October 8, 2006, the fee for which is **\$120.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	22	minus	20	2	\$50.00 each=	100.00
Independent Claims	3	minus	3	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						100.00
Reduction by 1/2 for filing by a small entity						0.00
Total Fee =						\$100.00

4. Fee Payment: The Commissioner is hereby authorized to charge **\$220.00** to Deposit Account No. 50-0310 for payment of the fee for a one-month extension of time (\$120.00) and the additional total claims fee (\$100.00).
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **October 6, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
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Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


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10/12/2006 MKAYPAGH 00000041 500310 10534650

01 FC:1251 120.00 DA

10/12/2006 MKAYPAGH 00000041 500310 10534650

02 FC:1615 100.00 DA